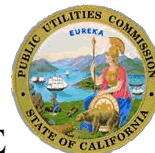


**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**



FILED

02/16/18
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Order Instituting Investigation on the
Commission's Own Motion into the Rates,
Operations, Practices, Services and Facilities of
Southern California Edison Company and San
Diego Gas and Electric Company Associated
with the San Onofre Nuclear Generating Station
Units 2 and 3.

Investigation 12-10-013
(Filed October 25, 2012)

And Related Matters.

Application 13-01-016
Application 13-03-005
Application 13-03-013
Application 13-03-014

**RUTH HENRICKS' AND COALITION TO DECOMMISSION SAN ONOFRE'S
RESPONSE IN OBJECTION TO JOINT RULING OF ASSIGNED
COMMISSIONER AND ADMINISTRATIVE LAW JUDGE
FILED 5 FEBRUARY 2018**

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THE COALITION TO DECOMMISSION SAN ONOFRE (CDSO)¹

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15 February 2018

¹ Coalition to Decommission San Onofre is a fictitious business name of Citizens Oversight, Inc.

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In *Citizens Oversight, Inc., et al v. California Public Utilities Commission, et al* case pending before the United States Court of Appeals, Ninth Circuit Case No. 15-55762 ("Federal Case"), the CPUC is alleged to have violated the plaintiffs' due process and just compensation rights guaranteed under the United States Constitution. If the CPUC approves the San Onofre Revised OII Settlement agreement (Settlement), the Federal Case plaintiffs agree to dismiss the Federal Case. As a party in the Federal Case, the CPUC was served a copy of the Federal Case settlement agreement, attached as an exhibit to a filing mandated by the Ninth Circuit.

The basic term of the Settlement in this CPUC proceeding (Revised OII Settlement) is simple—the utilities cannot recover any more revenue from San Onofre

under the 30 November 2014 settlement after a “cessation date” calculated to occur in December 2017. This represents an estimated reduction of \$775 million. The parties have provided the CPUC with a statement of the factual and legal considerations adequate to advise the CPUC of the scope of the Revised OII Settlement and of the ground on which adoption is urged.

Citizens Oversight and Henricks are but two of the eight plaintiffs in the Federal Case. As stated, the Federal Case plaintiffs served a copy of the Federal Case settlement agreement on the CPUC in the CPUC’s capacity as a party. However, in order to preserve their right **not** to have the CPUC exercise jurisdiction over the Federal Case settlement agreement – an agreement which involves 6 other parties not a party to this proceeding -- Henricks and Citizens Oversight, Inc., object to the Joint Ruling requesting the evidentiary filing of the Federal Case settlement agreement with the CPUC.

Henricks and Citizens’ Oversight Inc., also object to the CPUC requirement they file declarations identifying any other agreements on the grounds that the order is vague and ambiguous and does not identify any legal authority for the directive.

The CPUC was served with a copy of the Ninth Circuit order of 2 February 2018, which in pertinent part, provides: “The parties are DIRECTED to file a joint status report by August 15, 2018, or 60 days after CPUC’s final disposition of the parties’ proposed settlement agreement, whichever occurs first.” (DktEntry:96)

Otherwise, Ruth Henricks and Citizens Oversight Inc., object to the request that they file a copy of the Federal Settlement Agreement with the CPUC on the grounds that (1) it has already been served on the CPUC; (2) the Federal Case Settlement involves parties not before the CPUC; and (3) so as not to admit the CPUC has any jurisdiction over the Federal Case, because it does not.

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Respectfully Submitted,

Dated: 15 February 2018

By: /s/ Maria C. Severson

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